

EXHIBIT M

Subject: Re: Seattle Angina Questionnaire

Date: Friday, September 20, 2019 at 2:25:32 PM Central Daylight Time

From: Carl Covert

To: John Pitcher

Dear Mr. Pitcher:

I have received information from my client that Epic clearly does score the instrument. That is how Epic represents the results. Just the answering the questions without scoring has no value. Can you please confirm that information that Epic does not score the SAQ.

Regards,

Carl Covert

Carl W. Covert, Jr.

Attorney at Law

2313 Lockhill-Selma

Suite 250

San Antonio, Texas 78230

Licensed to the State Bars of Texas and Florida

Email: carlwcovert@gmail.com

Tel: 210-493-0303

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From: Carl Covert <carlwcovert@gmail.com>

Date: Friday, September 20, 2019 at 11:57 AM

To: John Pitcher <jpitcher@epic.com>

Subject: Re: Seattle Angina Questionnaire

Dear Mr. Pitcher

Thank you for your response and the information you have provided. However, you didn't state that the license allowed Epic to simply pull the assessment from the publication, adapt it to an electronic form and provide it to your customers so that they could administer the assessment. Would you please confirm that the license allows for such use of the SAQ. That was not the understanding that the authors had when they granted copyright to the article to the journal for the publication.

Additionally, thank you for reaching out to your internal group regarding Dr. Spertus' willingness to collaborate.

Sincerely,

Carl Covert

Carl W. Covert, Jr.
Attorney at Law
2313 Lockhill-Selma
Suite 250
San Antonio, Texas 78230
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From: John Pitcher <jpitcher@epic.com>
Date: Friday, September 20, 2019 at 11:36 AM
To: "carlwcovert@gmail.com" <carlwcovert@gmail.com>
Subject: RE: Seattle Angina Questionnaire

Dear Mr. Covert:

Thank you for your letter. Epic purchased a license from Wolters Kluwer that allows Epic to reproduce the material in an electronic format. I can confirm that we do not include any scoring rules or algorithms for the SAQ in our software. We simply make the questionnaire available to allow healthcare providers and patients to document answers to the questionnaire. It is our understanding that such use of the questionnaire is commonplace throughout the country. We trust that this answers your questions, and we appreciate Dr. Spertus's willingness to collaborate to derive the greatest possible value for use of the SAQ. We will convey Dr. Spertus's desire to collaborate to the appropriate people internally and will reach out if there is interest in expanding use of the questionnaire to include scoring rules or algorithms.

Sincerely,

John Pitcher
Epic | Legal | jpitcher@epic.com

From: Carl Covert <coverttx@aol.com>
Sent: Thursday, September 12, 2019 3:16 PM
To: John Pitcher <jpitcher@epic.com>
Subject: Seattle Angina Questionnaire
Importance: High

External Mail. Careful of links / attachments. Submit Helpdesk if unsure.

September 12, 2019

Via Email and Post

John Pitcher, Attorney
Epic Systems Corporation
1979 Milky Way
Verona, WI 53593

Re: Seattle Angina Questionnaire ("SAQ")

Dear Mr. Pitcher:

Thank you for your letter of August 20 regarding the use of the SAQ instrument in your Epic system. On August 24, I sent you a letter regarding the online permission terms from Wolters Kluwer. Based on their online permission license, any grant from them to reprint the materials from the below article would only allow you the right to reproduce the article from (Chan, P.S., Jones, P.G., Arnold, S.A., Spertus, J.A., Development and Validation of a Short Version of the Seattle Angina Questionnaire. *Circulation Cardiovascular Quality and Outcomes*. 2014;7(5):640-647) in full and for your own use and not to adapt the assessment for computer delivery or to resell or redistribution the SAQ assessment to third parties (including your customers). As of today's date, I have not received any response from you or your company regarding this matter and we would like to get the matter resolved quickly.

As I stated, the Chan article did not include the scoring rules or algorithm for the SAQ-7 which is copyrighted and owned by John Spertus, M.D. under the Applied Innovations v. Regents of the University of Minnesota, 876 F.2d 626 (8th Cir. 1989). If that is included in your computerized delivery, then you are additionally violating the copyright of Dr. Spertus in both the scoring rules and algorithm.

Therefore, Epic should not be including any scoring rules or algorithms for the SAQ in its program. Additionally, please confirm that the rights granted to your organization by Wolters Kluwer allow you to digitally adapt the instrument and to deliver it to your customers. We are of the belief that those rights were not granted by Wolters Kluwer.

As stated previously, Dr. Spertus would be very interested in collaborating with Epic to not only properly license his intellectual property, but also to share his expertise so that Epic's customers can derive the greatest possible value from the use of the SAQ. This would include helping with the formatting of the questionnaire for its collection in your patient portal, to help insure proper scoring of the instrument and to guide you in presenting the data in its most interpretable format so that patients and clinicians can best understand and act upon the results.

We look forward to receiving a response within 10 days of receipt of this letter or we may need to take action to preserve Dr. Spertus' rights in the SAQ and its scoring rules or algorithm.

Sincerely,

Carl W. Covert, Jr.
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San Antonio, Texas 78230
Licensed to the State Bars of Texas and Florida

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Tel: 210-493-0303

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